

Application No. 10/089,518
Amendment dated July 26, 2005
Reply to Office Action dated May 26, 2005

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REMARKS

The Examiner has rejected claims 1, 40 and 41 under 35 U.S.C. §103(a) as obvious over Elevitch et al. in view of Miller. The Examiner alleges that Miller teaches that mimosa is a fast growing tree. Applicant has thoroughly reviewed the Miller reference cited by the Examiner and has failed to find any place within the reference where Miller teaches that mimosa is a fast growing tree. Miller teaches controlling exotic plants in forests and recommends various herbicides for eliminating exotic plants. There is no motivation or suggestion in the references or in the knowledge generally available to one of ordinary skill in the art to modify Miller or to combine Miller with Elevitch et al. to make the present invention. Applicant further submits that there is often huge variation in many traits among species within the same genus and that not all species within a particular genus are suitable for commercial pulp and paper production. For example, there are several hundred species in the *Eucalyptus* genus but only *Eucalyptus grandis* and a few others are suitable for commercial pulp and paper production. The Mimosoideae family is extremely diverse and not all members of this family are suitable for commercial pulp and paper production.

The Examiner refers to the table at the bottom of page 6 for evidence of using the genus *Albizia* for pulpwood. This table is inaccurate because the headings of the first and second columns are incorrect: the first column is a list of scientific or botanical names (as indicated by italics and the binomial system), but has been labeled as "Common name" and the second column is a list of common names, but has been labeled but has been labeled as "Botanical name". The genus of the species that the Examiner has noted in this table which was used for pulpwood is *Paraserianthes* while the common name is "Albizia". *Paraserianthes* is a different genus than the genus *Albizia* and has different characteristics from *Albizia julibrissin*. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 1, 40, 41 and 44-46 under 35 U.S.C. §103(a) as unpatentable over Elevitch et al. in view of Miller as applied to claim 1 above, in view of Duke (Handbook of Energy Crops). As discussed above, the Examiner alleges that

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Miller teaches that mimosa is a fast growing tree. Applicant has thoroughly reviewed the Miller reference cited by the Examiner and has failed to find any place within the reference where Miller teaches that mimosa is a fast growing tree. Miller teaches controlling exotic plants in forests and recommends various herbicides for eliminating exotic plants. There is no motivation or suggestion in the references or in the knowledge generally available to one of ordinary skill in the art to modify Miller or to combine Miller with Elevitch et al. to make the present invention. Also as discussed above, Elevitch et al. does not disclose *Albizia julibrissin*. Applicant further submits that the Duke reference is inapplicable because it uses *Albizia falcataria* rather than *Albizia julibrissin*. Duke suggests that *Albizia falcataria* can be used as a substitute for pinewood because it has long fibers. Wood with long fibers is used to make low quality paper like newsprint. The species of the present invention, *Albizia julibrissin*, has short fibers similar to those of hardwoods. Short fibers are used to make higher quality paper. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 42-46 and 48 under 35 U.S.C. §103(a) as unpatentable over Elevitch et al. in view of Miller with or without Duke as applied to claim 1 above, and further in view of Leskela et al. (U.S. Patent No. 6,406,592). As discussed above, the Examiner alleges that Miller teaches that mimosa is a fast growing tree. Applicant has thoroughly reviewed the Miller reference cited by the Examiner and has failed to find any place within the reference where Miller teaches that mimosa is a fast growing tree. Miller teaches controlling exotic plants in forests and recommends various herbicides for eliminating exotic plants. There is no motivation or suggestion in the references or in the knowledge generally available to one of ordinary skill in the art to modify Miller or to combine Miller with Elevitch et al. to make the present invention. As discussed above, Elevitch et al. does not disclose *Albizia julibrissin*.

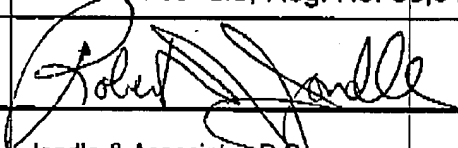
The Examiner has rejected claim 47 under 35 U.S.C. §103(a) as unpatentable over Elevitch et al. in view of Miller with or without Duke as applied to claim 1 above, and further in view of Singh (The Bleaching of Pulp, pages 29-30). As discussed above, the

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Examiner alleges that Miller teaches that mimosa is a fast growing tree. Applicant has thoroughly reviewed the Miller reference cited by the Examiner and has failed to find any place within the reference where Miller teaches that mimosa is a fast growing tree. Miller teaches controlling exotic plants in forests and recommends various herbicides for eliminating exotic plants. There is no motivation or suggestion in the references or in the knowledge generally available to one of ordinary skill in the art to modify Miller or to combine Miller with Elevitch et al. to make the present invention. As discussed above, Elevitch et al. does not disclose *Albizia julibrissin*.

In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §103. Reconsideration of this application and early notice of allowance is requested.

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